

Application No. 10/070,052
Docket No. 3041-21
Reply to Office Action of July 28, 2004

Remarks

The Examiner is thanked for the allowance of Claims 35-50.

A. §102(e)/§103(a) Rejection

Claims 25-26 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 6,596,231 (Catelli et al.).

According to the Examiner, Catelli et al. show a mist with gaseous chlorine dioxide and nitrogen. The Examiner cited column 1, lines 10-23, column 2, lines 50-55, column 6, lines 20-45, and column 7, lines 40-65.

B. Applicants' Response

It is respectfully submitted that Claims 25 and 26, which are directed to a disinfecting mist consisting essentially of gaseous chlorine dioxide and selected inert gases, can not be anticipated by or obvious over an air stream carrying finely divided droplets of a liquid sterilizing agent, which stream is heated to between 25° and 80° before being blown onto the cooled surface to be sterilized where the sterilizing liquid condenses. Please note the references to "a sterilizing solution" in the specification at column 2, lines 44 and at 65, at column 4, line 40, and at column 5, lines 12, 16, and 61 as well as in Claims 1 and 2.

The discussion under the Technical Field refers to the sterilizing chemical agents used in the sterilizing solution. Hence, if chlorine dioxide were used, it would be an aqueous solution of chlorine dioxide. Note that in the practical example at column 6, lines 27-30 the sterilizing agent is peracetic acid which is used in solution at a concentration of 0.1% to 1.5%.

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C. Closing

In view of the deficiencies of the reference and the above remarks, it is believed the §102(e)/§103(a) rejection is overcome. An early allowance of all the claims is respectfully requested.

Respectfully submitted,

Date:

September 27, 2004

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